



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GAU 2753\$
#17 Election
6/15/00
JW

Applicant: Carlson et al.

Assignee: Maxtor Corporation

Title: DISK DRIVE WITH IMPROVED TECHNIQUES FOR
DETECTING HEAD FLYING HEIGHT (AS AMENDED)

Serial No.: 09/224,202 Filed: December 30, 1998

Examiner: Sniezek, A. Group Art Unit: 2753

Atty. Docket No.: 3123-233-1

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ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the second Restriction Requirement set forth in the Office Action dated April 13, 2000.

I. RESTRICTION REQUIREMENT

In response to the second Restriction Requirement, Applicant groups the claims as follows:

06/06/2000 AGOITOM 00000046 130016 09224202

01 FC:115 110.00 CH

SPECIE	FIGURES	CLAIMS
1	8,4,3	47-50, 53-79, 81-106, 108-113, 115, 118-123, 125
2	8,4,6	47-55, 57-79, 81-106, 108-112, 118-122
3	8,4,7	47-53, 57-79, 81-106, 108-112, 118-122
4	8,9,3	47-50, 53-57, 60-66, 77-87, 90-106, 108-113, 115, 118-123, 125
5	8,9,6	47-55, 57, 60-66, 77-87, 90-106, 108-112, 114, 118-122, 124
6	8,9,7	47-53, 57, 60-66, 77-87, 90-106, 108-112, 114, 118-122, 124
7	5,4,3	47-50, 53-56, 77-79, 87-93, 97-103, 108-113, 115, 118-123, 125
8	5,4,6	47-55, 77-79, 87-93, 97-103, 108-112, 118-122
9	5,4,7	47-53, 77-79, 87-93, 97-103, 108-112, 118-122

Applicant provisionally elects specie 1 (claims 47-50, 53-79, 81-106, 108-113, 115, 118-123, 125) with traverse.

The independent claims (47, 57, 67, 77, 87, 97) all recite a disk drive comprising a disk having a plurality of concentric tracks for storing data, a head for reading data from and writing data to the disk, and a detection circuit that determines whether the head is within an acceptable flying height range.

There must be a serious burden on the examiner if the restriction is required (M.P.E.P. § 803). Where the related inventions as claimed are shown to be distinct, the Examiner, in order to establish reasons for insisting upon restriction, must show by appropriate explanation one of the following: (A) separate classification thereof; (B) a separate status in the art when they are classifiable together; or (C) a different field of search (M.P.E.P. § 808.02).

The Examiner has not even attempted to explain how examining species 1-9 would pose a serious burden (M.P.E.P. § 803), much less how these species would involve separate classification, separate status in the art, or a different field of search (M.P.E.P. § 808.02).

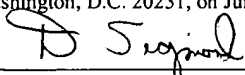
For these reasons, Applicant respectfully requests reconsideration of the restriction requirement.

II. PETITION AND FEE FOR EXTENSION OF TIME

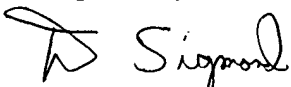
Applicant respectfully petitions for an extension of time under 37 C.F.R. § 1.136(a) for one month, thereby extending the period of response to the outstanding Office Action from May 13, 2000 to June 13, 2000. Please charge the \$110 extension fee to Deposit Account No. 13-0016/233-1 and charge any underpayment or credit any overpayment to this Account.

III. CORRESPONDENCE ADDRESS

Applicant filed a Change of Correspondence Address on February 9, 1999. The Office Action dated October 22, 1999, was sent to the new correspondence address, however the Office Action dated January 18, 2000 was sent to the earlier correspondence address. In the Petition filed February 4, 2000, Applicant pointed this out and asked that all correspondence be sent to the new correspondence address. Unfortunately, the outstanding Office Action was sent to the earlier correspondence address. Therefore, Applicant requests for the third time that all correspondence be sent to the new correspondence address.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on June 2, 2000.	
	6/2/00
David M. Sigmond Attorney for Applicant	Date of Signature

Respectfully submitted,



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